

THIS AGREEMENT made as of the 26th day of March, 1986,

B E T W E E N:

REXLINGTON HEIGHTS LIMITED, a corporation incorporated under the laws of the Province of Ontario, and its Manager **BELMONT PROPERTY MANAGEMENT** (the "Owners") and **MANNY BLEHMAN** and **MRS. M. BURNS**

OF THE ONE PART

- and -

HODA DOUDAR of Apartment 301, 11 Bergamot Avenue, Rexdale, Ontario, the Mother, Legal Guardian and Next Friend of **RANDY THOMPSON**

OF THE OTHER PART

WHEREAS Hoda Doudar has filed a complaint on behalf of Randy Thompson with the Ontario Human Rights Commission as complaint #16-9288;

AND WHEREAS the parties have now agreed to resolve their differences concerning Randy Thompson's use of the swimming pool.

AND WHEREAS Hoda Doudar has provided to the Owners a letter dated February 19, 1986 from Amy E. Westwood of Sunnyview School, operated by the Board of Education for the City of Toronto and addressed to Ms Gail Czukar, describing Randy Thompson's swimming ability and his need for supervision, with the intention that the Owners would rely on the views therein set out.



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NOW THEREFORE in consideration of the foregoing,
the parties hereto hereby agree as follows:

1. Randy Thompson shall forthwith be permitted to
use the swimming pool located adjacent to 11 Bergamot
Avenue, subject to the same rules as all other users
and subject to the same supervision by the Owners' staff
as all other users, except as set out in this Agreement.

2. Hoda Doudar agrees to execute the Undertaking
in the form attached hereto and to abide by that Undertaking
and agrees that Randy Thompson's use of the pool shall
be permitted only so long as the Undertaking is abided
by her.

3. The Owners agree that the normal rules for the
use of the pool will be relaxed to the extent of permitting
a competent and responsible adult person to enter the
pool complex and the pool itself to supervise Randy,
whether such person is or is not a resident of the Bergamot
complex. The Owners also agree that Randy's wheelchair
may be taken into the pool enclosure provided it is
taken away from the edge of the pool while Randy is
in the water.

4. The Owners agree that rent on apartment 301 at 11 Bergamot Avenue presently in the amount of \$300.95 per month will be waived during the months of April, May, June and July, 1986.

5. The Owners will forthwith post in the lobby of 11 Bergamot Avenue a Declaration of Management policy card provided by the Ontario Human Rights Commission.

6. The Owners will forthwith provide the Chairman of the Ontario Human Rights Commission with a letter of assurance that it is their policy to abide by the provisions of the Ontario Human Rights Code.

DATED at Toronto as of the day and year first before written.

SIGNED SEALED AND DELIVERED)
in the presence of:) Hoda Doudar
) HODA DOUDAR

REXINGTON HEIGHTS LIMITED
Per: M. Burns
BELMONT PROPERTY MANAGEMENT
Per: Beth Blekman

Manny Blekman:

Manny Blekman

Mrs. M. Burns:

M. Burns

UNDERTAKING

TO: BELMONT PROPERTY MANAGEMENT
AND TO: REXLINGTON HEIGHTS LIMITED

I, HODA DOUDAR, presently residing in Apartment 301, 11 Bergamot Avenue, Rexdale, Ontario, certify that I am the mother and the legal guardian of Randy Thompson. Randy Thompson is handicapped by reason of cerebral palsy and requires supervision and assistance when using the swimming pool at 11 Bergamot Avenue as outlined below:

1. Supervision by a competent and responsible adult person on a one-on-one basis.
2. The person supervising Randy must accompany Randy in the water.

I ACKNOWLEDGE that the swimming pool located on your Bergamot Avenue complex is classified as a "Class B Pool" restricted to the use of tenants and without any requirement for lifeguards. In addition to the lifeguard service provided by you, I further acknowledge that Randy requires the supervision described above.

I UNDERTAKE to ensure that supervision adequate for Randy's needs as they may exist from time to time will be provided by me or a competent and responsible person selected by me.

With respect to the use of the swimming pool, I acknowledge that Randy has the same rights and obligations as the other tenants have, subject to what is set out above.

DATED this 23rd day of May , 1986.

Witness:

Hoda Doudar

Hoda Doudar
HODA DOUDAR

DATED March 26th, 1986.

REXLINGTON HEIGHTS LIMITED and
BELMONT PROPERTY MANAGEMENT

- and -

HODA DOUDAR, Next Friend of
RANDY THOMPSON

A G R E E M E N T

Karl D. Jaffary, Q.C.
390 Bay Street
Suite 1700
Toronto, Ontario
M5H 2Y2

